

1 **RAMZY PAUL LADAH, ESQ.**
2 Nevada Bar No. 11405
3 **BRANDON P. SMITH, ESQ.**
4 Nevada Bar No. 10443
5 **LADAH LAW FIRM**
6 517 S. Third Street
7 Las Vegas, NV 89101
8 litigation@ladahlaw.com
9 T: 702.252.0055
10 F: 702.248.0055
11 *Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ANTHONY ESSICK JOHNSON, an individual,

Case No. 2:23-cv-01388-CDS-VCF

Plaintiff,

vs.

WALMART, INC., WAL-MART REAL
ESTATE BUSINESS TRUST; DOES I through
XXX, inclusive and ROE BUSINESS
ENTITIES I through XXX, inclusive.

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

Defendants.

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(b), Plaintiff ANTHONY ESSICK JOHNSON, and Defendants WALMART, INC. and WAL-MART REAL ESTATE BUSINESS TRUST, by and through their respective counsel of record, having conducted an FRCP 26(f) conference on September 28, 2023, hereby stipulate to the following discovery plan and scheduling order:

1. **DISCOVERY CUT-OFF DATE:** Defendants WALMART, INC. and WALMART REAL ESTATE BUSINESS TRUST first appeared in this matter via their Petition for Removal on September 8, 2023.¹ The discovery cut-off shall occur 180 days from Defendants' first appearance: **March 6, 2024**

¹ ECF No. 1.



1 2. **LAST DAY TO AMEND PLEADINGS AND/OR ADD PARTIES.** Shall
 2 occur ninety (90) days prior to the Discovery Cut-off date in this case: **December 7, 2023.**

3 3. **DISCLOSURE OF EXPERTS.** The last day for disclosing experts will be sixty
 4 (60) days before the close of discovery: **January 6, 2024.**

5 4. **REBUTTAL EXPERTS.** The last day for disclosing rebuttal experts will be
 6 thirty (30) days after the disclosure of initial experts: **February 5, 2024.**

7 5. **DISPOSITIVE MOTIONS.** The last day for filing dispositive motions shall be
 8 no later than thirty (30) days after the close of discovery: **April 5, 2024.**

9 6. **PRE-TRIAL ORDER.** The Joint Pre-Trial Order shall be filed no later than
 10 thirty (30) days after the date set for the filing of dispositive motions: **May 3, 2024.** The
 11 disclosures required by FRCP 26(a)(3) and any objections thereto shall be included in the Pre-
 12 Trial Order. In the event dispositive motions are filed, the filing of the Pre-Trial Order shall be
 13 suspended until thirty (30) days after the Court enters its decision on the dispositive motion, if
 14 any.

15 7. **FRCP 26(a)(3) DISCLOSURES.** The disclosures required by FRCP 26(a)(3),
 16 and any objections thereto, shall be included in the joint pretrial order.

17 8. **FRCP 26(f)(3)(A) DISCLOSURES.** The disclosures required by FRCP
 18 26(a)(1)(C) will be made on or before **October 12, 2024.**

19 9. **ALTERNATIVE FORMS OF CASE DISPOSITION.** The parties considered
 20 consent to trial by magistrate judge under 28 U.S.C. § 626(c) and FRCP 73 and the use of the
 21 Short Trial Program, and at this time do not consent to trial by magistrate or the short trial
 22 program.

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1 **10. ELECTRONIC EVIDENCE.** The parties certified they discussed whether they
2 intend to present evidence in electronic format to jurors, and the parties determined at this time
3 there would not be any. If the parties revisit the presentation of any electronically stored
4 information, they will file the appropriate stipulation with the Court.

5 DATED this 8th day of November 2023.

DATED this 8th day of November 2023.

6 LADAH LAW FIRM

HALL & EVANS, LLC

7 */s/ Brandon P. Smith, Esq.*

8 */s/ Kurt R. Bonds, Esq.*

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10 RAMZY P. LADAH
11 Nevada Bar No. 11405
12 BRANDON P. SMITH
13 Nevada Bar No. 10443
14 517 South Third Street
15 Las Vegas, Nevada 89101
16 *Attorney for Plaintiff*

17

18 KURT R. BONDS, ESQ.
19 Nevada Bar No. 6228
20 MADISON M. AGUIRRE, ESQ.,
21 Nevada Bar No. 16183
22 1160 North Town Center Drive, Suite 330
23 Las Vegas, Nevada 89144
24 *Attorneys for Defendant*

25 **ORDER**

26 IT IS SO ORDERED.

27 DATED this 8th day of November, 2023.



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UNITED STATES MAGISTRATE JUDGE

29 **ATTESTATION OF CONCURRENCE IN FILING**

30 I hereby attest and certify that on October 23, 2023, I received concurrence from
31 Defendants' counsel, Kurt R. Bonds, Esq., to file this document with his electronic signature
32 attached.

33 I certify under penalty of perjury under the laws of the United States of America that the
34 foregoing is true and correct.

35 Dated this 8th day of November, 2023.

36 */s/ Brandon P. Smith, Esq.*

37

38 BRANDON P. SMITH
39 Nevada Bar No. 10443

